

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

**DEBORAH J. LAUGHLIN, Individually and as
Executor of the Estate of PATRICK A.
LAUGHLIN, deceased and JOYCE D.
BLAYLOCK, as Substitute Ancillary
Administrator of the Estate of PATRICK A.
LAUGHLIN, deceased**

Plaintiffs,

Case No. 4:18-cv-132-RAJ - LRL

v.

JOHN CRANE, INC., *et al.*,

Defendant.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
MOTION TO CONTINUE**

COME NOW, Plaintiffs, by counsel and move this Court to continue the trial of this case from its current setting of November 1, 2021, to a date to be determined by this Court. In support of their motion, Plaintiffs state as follows:

1. This case is currently set for trial on November 1, 2022. (ECF 434).
2. Another case pending in this Court, *Mullinex v. John Crane, Inc.*, 4:18-cv-00033 RAJ-DEM, was previously set for a jury trial commencing on May 24, 2022. However, the *Mullinex* case was continued indefinitely on the day of trial following this Court's decision granting Defendant, John Crane, Inc.'s ("JCI's") *Motion to Dismiss Plaintiff's Claim for Survival Damages*. (See **Ex. 1**, Court's Order Granting JCI's Motion to Dismiss in *Mullinex* (May 23, 2022)). After granting JCI's motion to dismiss in *Mullinex*, this Court also issued an Order granting JCI leave to file a motion for summary judgment and granting the plaintiff in *Mullinex* leave to

file a motion for leave to file an amended complaint. (**Ex. 2**, Court's Amended Order in *Mullinex* (May 25, 2022)).

3. The parties in *Mullinex* have completed the briefing on these motions, and the Court has issued orders on both motions, denying JCI's motion for summary judgment and denying the plaintiff's motion for leave to file an amended complaint. (**Ex. 3**, Court's Order Denying JCI's Supplemental Motion for Summary Judgment in *Mullinex* (Aug. 15, 2022); **Ex. 4**, Court's Order Denying Plaintiff's Motion for Leave to File a Fourth Amended Complaint in *Mullinex* (Aug. 22, 2022)). Accordingly, the *Mullinex* case is ready to move forward, but a date has not yet been set.

4. This case is a general maritime product liability case involving asbestos exposure and mesothelioma, which, for all intents and purposes, is factually similar to the *Mullinex* case. JCI is the sole remaining defendant in both this case and the *Mullinex* case, and counsel for both parties is the same in both cases. The only major factual difference is that Mr. Laughlin was exposed to asbestos as a result of his Navy service as a machinist mate aboard one ship from 1970 until 1973, whereas Mr. Mullinex was exposed to asbestos as a result of his Navy service aboard multiple ships from 1969 until 1973 and again from 1977 until 1978.

5. However, the *Mullinex* case is much further along in terms of case development, motions practice, and other pretrial matters. Further, the *Mullinex* case has also been pending two years longer than this case. Accordingly, continuing this case and replacing it with the *Mullinex* case for the November 1, 2022, trial date will preserve judicial time and resources, as well as the time and resources of the parties. Further, JCI will not be prejudiced by replacing this case with the *Mullinex* case because JCI is a Defendant in both cases, so it will have to try both cases at some point. Indeed, because the *Mullinex* case is further along, trying *Mullinex* rather than this case

beginning November 1, 2022, is not prejudicial to either party, as it will allow both parties and this Court to try a case which has been awaiting trial for almost six years.

Respectfully Submitted,

By: /s/ Hugh B. McCormick, III, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2022 a true and accurate copy of the foregoing was filed electronically with the United States District Court for the Eastern District of Virginia using the CM/ECF system, which automatically sends all necessary notifications of this filing to the following:

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